

Article 1: Separately Regulated Use Regulations

Division 6: Commercial Services Use Category--Separately Regulated Uses

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§141.0601 Adult Entertainment Businesses

- (a) This section regulates the following adult entertainment businesses.
- (1) Adult body painting studios: Any business that provides the service of applying paint or other substance, whether transparent or nontransparent, to or on a human body whether the body is wholly or partially nude in terms of *specified anatomical areas*.
 - (2) Adult stores: Any business that devotes more than 15 percent of the total display, shelf, rack, table, stand, or *floor* used for the display of merchandise for sale or rent to the display of books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes, slides, tapes, records, DVDs, CD-Rom, or other forms of visual or audio representations that are characterized by an emphasis upon depicting or describing *specified sexual activities* or *specified anatomical areas* or instruments, devices, or paraphernalia that are designed for use in connection with *specified sexual activities*.
 - (3) Adult cabarets: Any nightclub, bar, restaurant, or similar business that features live performances or features films, motion pictures, video cassettes, slides, or other photographic reproductions that are distinguished or characterized by an emphasis on depicting or describing *specified sexual activities* or by exposure of *specified anatomical areas* on more than 7 calendar days within any 56-consecutive-day period.
 - (4) Adult out-door theaters: Any *premises* and appurtenant facilities that are primarily used for the presentation of motion pictures, films, theatrical productions, or other forms of visual productions to persons in motor vehicles or on outdoor seats, where the material being presented is distinguished or characterized by an emphasis on matter depicting, describing, or relating to *specified sexual activities* or *specified anatomical areas* for observation by patrons on more than 7 calendar days within any 56-consecutive-day period.

- (5) Adult massage businesses: Any premise and appurtenant facilities that are primarily used for massage, alcohol rub, fomentation, body scrub, body shampoo, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless the treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the State of California. Adult entertainment businesses do not include massage businesses that provide only specialized massage services that are operated in accordance with Section 141.0613.
- (6) Adult mini-motion picture theaters: Any business with a seating capacity of more than 5 but less than 50 persons where films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown and where the material shown is distinguished or characterized by an emphasis upon depicting or describing *specified sexual activities* or *specified anatomical areas* for observation by patrons on more than 7 calendar days within any 56-consecutive-day period.
- (7) Adult model studios: Any business open to the public where figure models who display *specified anatomical areas* are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons other than the proprietor and who pay a consideration or gratuity. Adult model studios do not include any school of art that is operated by an individual, firm, association, partnership, corporation, or institution that is authorized under the California Education Code to issue or confer a diploma.
- (8) Adult *motels*: Any *motel* or similar business offering public accommodations that provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions on more than 7 calendar days within any 56-consecutive-day period where the material is distinguished or characterized by an emphasis upon depicting or describing *specified sexual activities* or *specified anatomical areas* for observation by patrons.
- (9) Adult motion picture theaters: Any business with a seating capacity of 50 or more persons where motion pictures, video cassettes, slides, or similar photographic reproductions are shown on more than 7 calendar days within any 56-consecutive-day period and where the material is

distinguished or characterized by an emphasis upon depicting or describing *specified sexual activities* or *specified anatomical areas* for observation by patrons.

- (10) Adult peep show businesses: Any place to which the public is permitted or invited where devices that display still or moving images are maintained in a peep booth, as defined in Municipal Code Section 33.3302, where the images are available for observation for more than 7 calendar days within any 56-consecutive-day period are distinguished or characterized by an emphasis on depicting or describing *specified sexual activities* or *specified anatomical areas*.
 - (11) Adult sexual encounter businesses: Any business, other than a hotel, *motel*, or similar business offering public accommodations that provides a place where two or more persons may congregate, associate, or consort in connection with *specified sexual activities* or the exposure of *specified anatomical areas*. Adult sexual encounter businesses do not include businesses where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State of California engages in sexual therapy.
 - (12) Adult theaters: Any theater, concert hall, auditorium, or similar business either indoor or outdoor, that regularly features live performances that are distinguished or characterized by an emphasis on *specified sexual activities* or exposure of *specified anatomical areas* for observation by patrons on more than 7 calendar days within any 56-consecutive-day period.
- (b) Adult entertainment businesses are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.
- (1) Adult entertainment businesses shall not be established, enlarged, or undergo a transfer of ownership or control if the *structure* housing the business would be located within 1,000 feet of any of the following:
 - (A) Another *structure* housing an adult entertainment business;
 - (B) The *property line* of a residentially zoned property; or

- (C) The *property line* of a *church* except those established in accordance with Section 141.0404(a), a *school*, a *public park*, or a *social service institution*.
- (2) If a *church* other than one established in accordance with Section 141.0404(a), a *school*, a *public park*, a *social service institution*, or a residential zone is established within 1,000 feet of an adult entertainment business, the person possessing ownership or control of the adult entertainment business is permitted to transfer ownership or control within 2 years of the date on which the *school* begins a course of instruction for students, the *church* or *social service institution* is opened for use, the *public park* is dedicated, or the ordinance establishing the residential zone becomes effective. The person acquiring the ownership or control, however, shall be required to discontinue the adult entertainment business within 5 years from the date of the transfer of ownership or control if the business continues to be within 1,000 feet of the uses or properties listed in Section 141.0601(b)(1).
- (3) The public health, safety, and welfare shall be preserved and protected by applying the provisions of this section in the following descending order of importance:
- (A) Proximity to other adult entertainment businesses;
- (B) Proximity to *schools*;
- (C) Proximity to *churches*;
- (D) Proximity to *public parks*;
- (E) Proximity to residential zones; and
- (F) Proximity to *social service institutions*.

(Amended 2-22-2000 by O-18749 N.S.; effective outside of the Coastal Overlay Zone on 2-22-2000; effective within the Coastal Overlay Zone on 5-8-2001; amended 11-20-2000 by O-18890 N.S.)

§141.0603 Bed and Breakfast Establishments

Bed and breakfast establishments are visitor accommodations within a residential *structure* where breakfast is typically provided for guests.

Bed and breakfast establishments are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations. Bed and breakfast establishments may be permitted with a Neighborhood Use Permit in the zones indicated with an "N" or with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) In the RM zones, bed and breakfast establishments are subject to the following regulations.
- (1) No more than one bed and breakfast establishment is permitted on a *premises*.
 - (2) Only one *kitchen* is permitted in a newly constructed bed and breakfast establishment except that one additional *kitchen* may be permitted for the owner or operator that is separate from the *kitchen* for the bed and breakfast establishment.
 - (3) A bed and breakfast establishment that is a conversion of existing *multiple dwelling units* may contain the number of *kitchens* permitted by the applicable zone provided the existing off-street parking on the *premises* is not decreased.
 - (4) Off-street parking shall be provided as follows:
 - (A) One space for the operator of the establishment;
 - (B) One space per guest room for up to two *guest rooms* or, if located in a *transit area* identified in Chapter 13, Article 2, Division 10 (Transit Area Overlay Zone), one space for up to two *guest rooms*; and
 - (C) One-half space for each additional *guest room*.
 - (5) Eating and drinking facilities shall be available only to the overnight guests.
 - (6) For newly constructed bed and breakfast establishments, the number of exterior accesses shall not exceed the maximum number of dwelling units permitted on the *premises*.

- (7) One *sign* is permitted on the *premises* with a maximum *sign copy area* of 12 square feet and a maximum horizontal or vertical dimension of 6 feet.
- (b) In the RE, RS, RX, OR, and AR zones, bed and breakfast establishments are subject to the following regulations.
 - (1) Bed and breakfast establishments in RS and RX zones shall be limited to the conversion of existing *structures*.
 - (2) In the RS zones, bed and breakfast establishments with six or more *guest rooms* may be permitted only in *historical buildings*.
 - (3) The maximum number of *guest rooms* in the RE, OR, and AR zones is nine.
 - (4) No more than one *kitchen* is permitted in a bed and breakfast establishment.
 - (5) Off-street parking shall be provided as follows:
 - (A) Two spaces for the *single dwelling unit*;
 - (B) One space per guest room for up to two *guest rooms* or, if located in a *transit area* identified in Chapter 13, Article 2, Division 10 (Transit Area Overlay Zone), one space for up to two *guest rooms*; and
 - (C) One-half space for each additional *guest room*.
 - (6) One *sign* is permitted on the *premises* with a maximum *sign copy area* of 8 square feet and a maximum dimension of 4 feet in any horizontal or vertical direction.
 - (7) Eating and drinking facilities shall be available only to the overnight guests.
 - (8) The property owner or operator shall reside on the *premises*.
- (c) In commercial zones, the development regulations of the zone that are applicable to visitor accommodations shall apply.

- (d) Bed and breakfast establishments of six *guest rooms* or less in any residential zone for which the required Rental Unit Business Tax and the Transient Occupancy Tax were current as of May 2, 1996, and have remained current since that date, may continue to exist and operate subject to Chapter 12, Article 7 (Previously Conforming Premises and Uses) provided that the owner or operator of the bed and breakfast establishment provides evidence of payment of the required Rental Unit Business Tax and Transient Occupancy Tax to the City Manager upon request and the City Manager confirms this evidence in writing to the owner or operator. Bed and breakfast establishments continuing to exist and operate under this provision are not subject to Section 127.0102(a).

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§141.0604 Boarding Kennels

Boarding kennels are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to Section 141.0604(a). Boarding kennels may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to Section 141.0604(b).

(a) Limited Use Regulations

- (1) Maintaining, raising, feeding, or keeping of 6 or more domestic animals requires a *premises* of at least 5 acres.
- (2) Kennels and associated *structures* shall not be any closer than 50 feet to any *property line*.
- (3) Off-street parking shall be provided at a rate of 2.5 spaces for every 1,000 square feet of floor area.

(b) Conditional Use Permit Regulations

- (1) Noise emanating from the facility shall be kept at minimum levels through the following methods:

- (A) Limitations on the number of animals permitted in exterior areas at any one time;
 - (B) Limitations on the hours that animals are permitted in exterior areas;
 - (C) Locating exterior boarding and exercise areas on those portions of the site where noise impacts on surrounding *development* will be minimized;
 - (D) The use of walls or *fences* to minimize noise impacts to surrounding *development*; and
 - (E) Sound-proofing of interior kennel areas.
- (2) Exterior boarding and exercise facilities shall be *screened* from adjacent *development* by a 6-foot *solid fence* or wall.
 - (3) The facility shall be maintained in a sanitary condition to minimize the impacts of odors on surrounding *development*.
 - (4) Off-street parking shall be provided in accordance with Table 142.05D.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§141.0605 Camping Parks

Camping parks may be permitted with a Conditional Use Permit decided in accordance with Process Four in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) *Fill* or permanent buildings associated with the *development* of camping parks are not permitted in *floodplains* or in agricultural zones in the future urbanizing area or in agriculturally zoned areas of the Coastal Overlay Zone.
- (b) Access to the site shall be as direct as possible from *freeways* and shall avoid residential *streets*.
- (c) Pedestrian walkways shall be provided to link camping lots with service buildings, the park entrance, and any recreational facilities within the park.

- (d) Off-street parking shall be provided as follows:
 - (1) 1 space for each camping site;
 - (2) 1 space for each full-time employee; and
 - (3) 1 space for each 25 camping sites, to be located near the registration office.
- (e) All storage, service, and repair areas shall be located on the site so that they are not visible, or shall be *screened* so they are not visible from, adjacent *development* and *public rights-of-way*.
- (f) Recreational vehicles, trailers, and tents shall not be located closer than 15 feet to any *abutting property*.
- (g) Trash enclosures shall be provided for each four camping sites.
- (h) Maximum occupancy periods shall be as follows:
 - (1) For tents and trailers without utilities hook-up capacity: 1 month in any 12-month period; or
 - (2) For trailers or recreational vehicles with utilities hook-up capacity: 6 months in any 12-month period.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§141.0606 Child Care Facilities

- (a) This section regulates the following *child care facilities*:
 - (1) Large family day care homes: Any *child care facility* licensed by the State of California to provide child care for 7 to 12 children in the child care providers home. (Small family day care homes, which provide care for six or fewer children, are not subject to this section.)
 - (2) Child care centers: Any *child care facility*, other than a small or large family day care home, that is licensed by the State of California to provide child care: child care centers may be infant centers, preschools, or school-age, extended day care facilities.

(b) Large Family Day Care Homes

Large family day care homes are a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (1) A large family day care home may provide care for 7-12 children (including children under the age of 10 who reside at the home) for periods of less than 24 hours per day.
- (2) The day care provider shall comply with all state licensing requirements for large family day care homes.
- (3) The day care provider shall comply with standards adopted by the State Fire Marshal pursuant to the California Health and Safety Code relating to large family day care homes.

(c) Child Care Centers

Child care centers are permitted as a limited use in the zones indicated with an "L" and may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (1) Child care centers are not permitted within 1,000 feet of any known business that:
 - (A) Has or is required to have a health permit from the County of San Diego Hazardous Materials Management Division, excluding underground fuel storage tanks, and handles acutely hazardous material above the Threshold Planning Quantities as defined by the California Health and Safety Code, Division 20, Chapter 6.95, Section 25500 et seq.
 - (B) Handles compressed flammable gases in excess of 1,500 pounds; or
 - (C) Handles flammable liquids in excess of 10,000 gallons.
- (2) The 1,000-foot separation distance shall be measured from the *property line* of the proposed *child care facility* to the use, storage, or

handling areas for the hazardous material. Businesses may satisfy the separation requirements on-site. The child care center operator has the burden of proof of demonstrating compliance with the separation requirement.

- (3) Before beginning operation, the child care center operator shall obtain and shall maintain on file on the *premises* a “Hazardous Materials Substance Approval Form” executed by the County of San Diego Hazardous Materials Management Division.
- (4) Deviations from the hazardous materials separation requirements may be permitted with a Conditional Use Permit decided in accordance with Process Three. Issuance of the permit will be based in part on a “Health Risk Assessment Study” to be submitted by the *applicant*.
- (5) Drop-off and pick-up of children from vehicles shall be permitted only on the driveways, in approved parking areas, or in the *street* directly in front of the facility.
- (6) All outdoor play and activity areas shall be enclosed with a *fence* that is at least 4 feet and no more than 6 feet in height. If an outdoor play or activity area is located adjacent to a public *street* with a right-of-way width of 64 feet or more, the *fence* shall be solid.
- (7) All outdoor play and activity areas shall be separated from vehicular circulation, parking areas, equipment enclosures, storage areas, and refuse and recycling storage areas.
- (8) Child care centers shall be designed to attenuate significant outside noise sources. Surrounding uses shall also be protected from noise emanating from child care centers. The following measures are required to accomplish noise attenuation.
 - (A) A *solid fence* that is at least 4 feet and no more than 6 feet in height shall be constructed between the child care center and abutting residential uses, or all windows facing abutting residential uses shall be double-glazed with 1/4-inch thick glass.
 - (B) A *solid fence* that is at least 4 feet and no more than 6 feet in height shall be constructed between the child care center and a *public right-of-way* of 64 feet or more wide, or all windows

facing a *public right-of-way* of 64 feet or more wide shall be double-glazed with 1/4-inch thick glass.

- (9) The child care center operator shall comply with all state licensing requirements for child care centers.
- (d) Child care centers proposed to be located on public or private *school* sites are permitted as follows:
 - (1) Child care centers proposed as an *accessory use* on the *premises* of a *school* are exempt from the provisions of this section. The child care center may be either school-operated or privately operated.
 - (2) Child care centers proposed for location on private *school premises* in a zone where *schools* are a permitted use, are permitted as a limited use subject to the regulations of Section 141.0606(c).
 - (3) Child care centers proposed for location on private *school premises* in a zone where *schools* are required to obtain a Conditional Use Permit shall also be required to obtain a Conditional Use Permit subject to the regulations in Section 141.0606(c).

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§141.0607 Eating and Drinking Establishments Abutting Residentially Zoned Property

Eating and drinking establishments on *premises* abutting residential zones are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the regulations in Section 141.0607(a). Eating and drinking establishments abutting residentially zoned property that do not comply with Section 141.0607(a) may be permitted with a Neighborhood Use Permit subject to the regulations in Section 141.0607(b).

- (a) Limited Use Regulations
 - (1) Eating and drinking establishments abutting residential zones may operate only during the hours between 6:00 a.m. and 12:00 midnight.
 - (2) In the IL-3-1 zone, eating and drinking establishments shall also comply with Section 131.0623(b).
- (b) Neighborhood Use Permit Regulations. Except in the CN zones, eating and drinking establishments abutting residential zones that do not comply with

Section 141.0607(a) may be permitted with a Neighborhood Use Permit subject to the following regulations.

- (1) All activities associated with the establishment shall occur within an enclosed building between the hours of 12:00 midnight and 6:00 a.m.
- (2) Drive-up or drive-through service is not permitted between the hours of 12:00 midnight and 6:00 a.m.
- (3) Live entertainment is not permitted between the hours of 12:00 midnight and 6:00 a.m.
- (4) The operator of the establishment shall take reasonable steps to prevent loitering on the *premises*, in parking lots serving the *premises*, and on public sidewalks adjacent to the *premises*.
- (5) In the IL-3-1 zone, eating and drinking establishments shall also comply with Section 131.0623(b).

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§141.0608 Fairgrounds

Fairgrounds may be permitted with a Conditional Use Permit decided in accordance with Process Five in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Fairgrounds are not permitted in agricultural zones in the future urbanizing area. *Fill* or permanent buildings are not permitted in *floodplains* located in agriculturally zoned areas of the Coastal Overlay Zone.
- (b) The design of the *structures* shall incorporate a variety of architectural elements that help to diminish building bulk.
- (c) Larger *structures*, areas of high activity, and parking areas shall be located to minimize impacts to surrounding *development* that is smaller in scale and less intense.
- (d) Access to the facility shall be as direct as possible from *freeways* and primary arterials and shall avoid residential *streets*.
- (e) Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property.

- (f) All storage, service, and repair areas shall be located on the site so that they are not visible, or shall be *screened* so that they are not visible, from adjacent *development* and *public rights-of-way*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§141.0609 Golf Courses, Driving Ranges, and Pitch and Putt Courses

Golf courses, driving ranges, and pitch and putt courses may be permitted with a Conditional Use Permit decided in accordance with Process Four in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Golf courses, driving ranges, and pitch and putt courses are not permitted within the *MHPA*.
- (b) Club houses containing the following *accessory uses* may be permitted, but shall be available only to the users of the golf facility and shall be restricted by the size of the *premises* and the potential impacts on surrounding *development*:
 - (1) Restaurants and bars;
 - (2) Pro shops;
 - (3) Meeting rooms; and
 - (4) Locker rooms.
- (c) Off-street parking shall be provided as follows:

Regulation course: 10 spaces per hole
Short course/Par 3: 6 spaces per hole
Pitch and putt course: 3 spaces per hole
Driving range: 1 space per tee
Snack bar: 12 spaces
Proshop: 5 spaces
- (d) Fairways and greens shall be designed with buffer areas that provide protection to surrounding *development* from golf balls.
- (e) A gradual physical and visual transition shall be provided between the fairways and greens and any adjacent areas with natural vegetation.

- (f) All maintenance facilities shall be located on the *premises* in a manner that minimizes visual impacts on surrounding *development*.
- (g) All runoff due to irrigation shall be managed in a manner that protects the water table from fertilizer and insecticide pollutants.
- (h) A water reclamation plan is required before approval of the permit.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§141.0610 Helicopter Landing Facilities

Helicopter landing facilities may be permitted with a Conditional Use Permit decided in accordance with Process Five in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Helicopter landing facilities are not permitted in *floodplains* located in the Coastal Overlay Zone.
- (b) Helicopter facilities in urban areas shall be located within 1/2 mile of *freeways* or primary arterials. Access to both private and public transportation should be provided.
- (c) Helicopter facilities shall be located to ensure that the approach and departure paths are over terrain that affords emergency landing areas such as open parks, golf courses, industrial areas, highways, *freeways*, and open land.
- (d) Approach and departure paths over residential *development*, *schools*, playgrounds, assembly areas, or highly populated areas shall be avoided.
- (e) There shall be a reasonable distance between the helicopter facility and residential areas, educational facilities, or public assembly uses. A 750-foot distance, measured from *property line* to *property line* in accordance with Section 113.0225, shall be used as a standard distance.
- (f) The site shall be served by *streets* that are adequate in width and pavement type for the quantity and level of traffic generated by the helicopter facility. Paths for pedestrian use shall be provided.
- (g) Additional *screening*, beyond the required fencing, may be required to minimize visual impacts. All auxiliary facilities shall be *screened*. Outdoor storage of equipment or parts is not permitted.

- (h) A telephone shall be provided adjacent to the helicopter facility.
- (i) The site shall be served by a fire station, or fire prevention service, within reasonable proximity.
- (j) Helicopter facilities shall, whenever possible, serve more than one user. This should include availability for emergency use.
- (k) Helicopter facilities shall comply with Municipal Code Chapter 6, Article 8, Division 2 (San Diego Helicopter Rules and Regulations).
- (l) Helicopter facilities may be limited in frequency of trips and hours of operation if the operations would be disruptive to adjacent properties.
- (m) The sound generated by any helicopter shall not exceed the "A" weighted maximum sound level provided in Table 141-06A on the boundary or beyond the boundary of the property on which the facility is located. The sound subject to these limits is that part of the total sound at the property boundary that is due solely to the operation of the helicopter. The sound level limit at a location on a boundary between two land uses shall be the lower of the two sound levels specified.

Table 141-06A
Sound Level Limits for Helicopter Landing Facilities

Land Use	Time	A-Weighted Maximum Sound Level
Residential Uses	7:00 a.m.- 7:00 p.m.	75
	7:00 p.m.-10:00 p.m.	70
	10:00 p.m.- 7:00 a.m.	65
Commercial Uses	7:00 a.m.- 7:00 p.m.	80
	7:00 p.m.-10:00 p.m.	75
	10:00 p.m.- 7:00 a.m.	75
Industrial Uses	7:00 a.m.- 7:00 p.m.	90
	7:00 p.m.-10:00 p.m.	90
	10:00 p.m.- 7:00 a.m.	90

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

§141.0612 Instructional Studios

Instructional studios are establishments in which skills including dance, art, and martial arts are taught to individuals or groups. Instructional studios do not include educational facilities.

Instructional studios may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) The number of students using the studio at any one time may be limited based on the following:
 - (1) The intensity of existing surrounding uses that are allowed in the zone; and
 - (2) The amount of parking available on the *premises*.
- (b) The hours of operation of the studio may be limited.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§141.0613 Massage Establishments, Specialized Practice

Specialized practice massage establishments are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Any *sign* advertising the establishment shall contain the full name of the operator and may contain words that identify the specialized field of practice in which the operator engages.
- (b) The letters of any words identifying the operator's specialized field of practice shall not exceed one-half of the height of the capital letters in the name of the operator, and the words shall be uniform in height.
- (c) The phrase "massage parlor" or "massage establishment" shall not be used on any *sign* or any other form of advertising. The word "massage" shall not be used on any *sign* or any other form of advertising unless preceded by words identifying the specialized field of practice.

- (d) The owner of the establishment shall submit scale drawings of all *signs* that will be displayed on the *premises* to the City Manager to determine compliance with this section.
- (e) The owner of the establishment shall submit proof of proficiency of the operator in the specialized field of practice. Proficiency may be established by completion of a course of instruction in the specialized field of practice at a school authorized to provide such instruction by the State of California, or proof of actual practice in the field of specialization for a period of three years. The period of practice shall be attested to, in writing, by no less than three persons who meet the educational qualifications described in this section or are members of a professional organization that is incorporated in the State of California, and which fosters or promotes the specialized field of practice.
- (f) The application and business license for the establishment shall identify the business as a "Massage Establishment, Specialized Practice, pursuant to Municipal Code Section 141.0613."

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§141.0614 Nightclubs and Bars over 5,000 Square Feet in Size

Nightclubs and bars over 5,000 square feet in size may be permitted with a Conditional Use Permit decided in accordance with Process Four in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property. Within the beach impact area of the Parking Impact Overlay Zone, off-street parking shall be provided at a ratio not less than one parking space for every 200 sq ft of gross floor area, including any outdoor eating or drinking areas.
- (b) Hours of operation shall be limited so that neighboring *development* is not disturbed by noise and lights.
- (c) A litter control plan shall be implemented to keep the facility and adjacent property free of litter.
- (d) All storage, service, and repair areas shall be located on the site so that they are not visible from adjacent *development* and *public rights-of-way*.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

§141.0615 Outpatient Medical Clinics

Outpatient medical clinics are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to Section 141.0615(a). Outpatient medical clinics may be permitted with a Neighborhood Use Permit in the zones indicated with an "N" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to Section 141.0615(b).

(a) Limited Use Regulations

- (1) Outpatient medical clinics shall be located on the ground *floor* only.
- (2) Ambulance services are not permitted.
- (3) Physicians shall not maintain offices serving patients other than on an emergency basis.
- (4) Overnight patients are not permitted.

(b) Neighborhood Use Permit Regulations

- (1) Overnight patients are not permitted.
- (2) Clinics located adjacent to residentially zoned property shall remain closed between the hours of 12:00 midnight and 6:00 a.m.
- (3) Access to the facility shall be as direct as possible from *freeways* and primary arterials and shall avoid residential *streets*.
- (4) Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property. Within the beach impact area of the Parking Impact Overlay Zone, off-street parking shall be provided at a ratio not less than one parking space for every 250 sq ft of gross floor area.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

§141.0616 Parking Facilities as a Primary Use

This section regulates temporary parking facilities and permanent parking facilities as the *primary use* on a *premises*.

(a) Temporary Parking Facilities as a *Primary Use*

Temporary parking facilities as a *primary use* may be permitted with a Neighborhood Use Permit in the zones indicated with an "N," or with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C," in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (1) The decision maker may grant exceptions to the provisions in Chapter 14, Article 2, Division 5 (Parking Regulations) regulating parking in required *yards*, carpool parking, bicycle facilities, striping, surfacing, driveways, wheel stops, and *screening* based on the potential impact of the facility and the duration of the permit.
- (2) Requirements for improvements in the *public right-of-way* will be based on the location of the proposed facility, existing improvements, and the duration of the permit.
- (3) The decision maker may require dust-control measures, drainage improvements, fencing, or lighting as appropriate.
- (4) Neighborhood Use Permits for temporary parking facilities expire no later than 2 years from the date of issue.

(b) Permanent Parking Facilities as a *Primary Use*

Permanent parking facilities as a *primary use* may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (1) If the parking facility includes parking *structures*, a variety of architectural elements shall be incorporated to help diminish building bulk and blank facades.

- (2) Automobile access to the facility shall be at points of low pedestrian activity and shall be located away from adjacent residential *development*.
- (3) Surface parking facilities shall be *screened* from adjacent residential *development* by *fences* or walls and landscaping.
- (4) Measures shall be taken to ensure that the ground water table is not adversely affected by the increase of impermeable surfaces due to the *development* of the facility.
- (5) Measures shall be taken to ensure that the water quality is not adversely affected by runoff containing fuel and lubricants.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§141.0617 Private Clubs, Lodges, and Fraternal Organizations

Private clubs, lodges, and fraternal organizations are associations of persons, whether incorporated or unincorporated, for the promotion of some common social, cultural, educational, religious, or recreational objective. This use does not include *churches* or any group whose primary objective is a business customarily carried on for a profit.

Private clubs, lodges, and fraternal organizations may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property. Within the beach impact area of the Parking Impact Overlay Zone, off-street parking shall be provided at a ratio not less than one parking space for every 200 sq ft of gross floor area.
- (b) All storage, service, and repair areas shall be located on the site so that they are not visible from adjacent *development* and *public rights-of-way*.
- (c) A litter control plan shall be required to keep the facility and adjacent property free of litter.
- (d) Hours of operation shall be limited so that neighboring *development* is not disturbed by noise and lights.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

§141.0618 Privately Operated, Outdoor Recreation Facilities over 40,000 Square Feet in Size

Privately operated, outdoor recreational facilities over 40,000 square feet in size may be permitted with a Conditional Use Permit decided in accordance with Process Four in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Privately operated, outdoor recreational facilities are not permitted in agricultural zones in the future urbanizing area or within *floodplains* located in agriculturally zoned areas of the Coastal Overlay Zone.
- (b) Larger *structures*, areas of high activity, and parking areas shall be located to minimize impacts to surrounding *development* that is smaller in scale and less intense.
- (c) Access to the facility shall be as direct as possible from *freeways* and primary arterials and shall avoid residential *streets*.
- (d) Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property.
- (e) Hours of operation may be limited so that neighboring *development* is not disturbed by noise and lights.
- (f) A litter control plan shall be required to keep the facility and adjacent property free of litter.
- (g) All storage, service, and repair areas shall be located on the site so that they are not visible, or shall be *screened* so that they are not visible, from adjacent *development* and *public rights-of-way*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§141.0619 Pushcarts

This section regulates pushcarts on private property and pushcarts in the *public right-of-way*. Pushcarts are moveable, wheeled, nonmotorized vehicles used by vendors for the sale of food or beverage products, fresh-cut flowers, or live plants in pots.

(a) Pushcarts on Private Property

Pushcarts are permitted on private property as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (1) Pushcarts are not permitted in required *yards*, required landscape areas, or required parking areas.
- (2) Pushcarts shall not exceed 4 feet in width, not including wheels; 8 feet in length, including handles; and 6 feet in height, not including canopies, umbrellas, and transparent enclosures.
- (3) Pushcart operators shall not verbally solicit business from pedestrians or persons in vehicles and shall not sell to persons in vehicles.
- (4) The price of items sold shall be posted on the pushcart and shall be clearly legible.
- (5) The operation of the pushcart shall be in conformance with Municipal Code Sections 42.0160 through 42.0167.

(b) Pushcarts in the *Public Right-of-Way*

Pushcarts may be permitted in the *public right-of-way* with a Neighborhood Use Permit in the zones indicated with an "N" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (1) The decision maker will evaluate the following to determine whether a pushcart is a suitable use for the proposed location and will not infringe on the use of the *public right-of-way* by pedestrians:
 - (A) The width of the sidewalk;
 - (B) The proximity and location of building entrances;
 - (C) Existing obstructions to pedestrian use of the sidewalk including light standards, trees, parking meters, trash receptacles, traffic signals, *signs*, benches, phone booths, newspaper stands, and bus stops;

- (D) Vehicle activity areas in the adjacent roadway including bus stops, truck loading zones, taxi stands or hotel zones, and passenger loading areas; and
 - (E) The amount of pedestrian use and the impact of the pushcart's location on pedestrian activity.
- (2) The decision maker will consider the appropriateness of the pushcart design and color scheme, *signs*, and graphics for the products for sale and the proposed location. This provision supersedes Municipal Code Section 42.0163(Q).
- (3) The *applicant* shall obtain and submit with the permit application a Certificate of Insurance for a public liability insurance policy of at least \$500,000. The liability insurance shall be provided in a form and an amount acceptable to the City Engineer. The policy shall name the City as an additional insured and shall be maintained at all times.
- (4) The *applicant* shall obtain and submit with the permit application a notarized authorization from the owner or proprietor of the adjacent *street* level business for the *applicant* to install and operate the pushcart.
- (5) Pushcarts shall not exceed 4 feet in width, not including wheels; 8 feet in length, including handles; and 6 feet in height, not including canopies, umbrellas, and transparent enclosures.
- (6) A clear path, free of all obstructions to the flow of pedestrian traffic, shall be provided in the *public right-of-way* and shall be maintained at all times. Obstructions include traffic signals or signs, light standards, parking meters, phone booths, newspaper stands, bus stops, trash receptacles, benches, trees, and similar objects. The clear path shall be a paved sidewalk that is at least 8 feet wide. The clear path shall be measured in the following manner:
 - (A) For pushcarts located at the curb, the clear path shall be measured from the pushcart to the nearest obstruction within the flow of pedestrian traffic. The pushcart shall not hang over the curb;

- (B) For pushcarts not located at the curb, the clear path shall be measured from the pushcart to the curb or to the nearest obstruction within the flow of pedestrian traffic;
 - (C) For pushcarts located at *street* intersections, the clear path shall include the area formed by extending the *property line* to each curb line;
 - (D) Recesses in the *building facade* shall not be used to satisfy the clear path requirement; and
 - (E) The decision maker may grant an exception to the minimum clear path width if pedestrian volumes and existing *street* conditions are such that no congestion would result.
- (7) Pushcarts shall not touch or be attached to any *structure* or any obstruction within the flow of pedestrian traffic, including traffic signals or signs, light standards, parking meters, phone booths, newspaper stands, bus stops, trash receptacles, benches, trees, and similar objects.
 - (8) Pushcarts shall not obstruct access to parked vehicles, impede the delivery of materials to adjoining property, nor preclude any existing curb space use.
 - (9) Pushcart operators shall not verbally solicit business from pedestrians or persons in vehicles and shall not sell to persons in vehicles.
 - (10) The price of items sold shall be posted on the pushcart and shall be clearly legible.
 - (11) During hours of operation, pushcarts shall remain in the location specified in the permit.
 - (12) Pushcarts shall not be left unattended, nor shall they remain in the *public right-of-way* between 12:00 midnight and 6:00 a.m. except for special events as provided for in Municipal Code Section 42.0130.1.
 - (13) The operation of the pushcart shall be in conformance with Municipal Code Sections 42.0160 through 42.0167.

- (14) An *applicant* that has received a Neighborhood Use Permit for a pushcart shall have an operating cart on the specified site within 60 calendar days of approval or the permit will be void.
- (15) The permit is valid only when used at the location designated on the permit. The permit shall be displayed in a prominent and visible place on the pushcart.
- (16) A Neighborhood Use Permit for a pushcart may not be transferred, but there may be more than one *applicant* for a single permit.
- (17) A Neighborhood Use Permit for a pushcart can be revoked or modified in accordance with Sections 121.0313 through 123.0316.
- (18) A Neighborhood Use Permit for a pushcart can be revoked on any of the grounds listed in Municipal Code Section 42.0168.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§141.0620 Recycling Facilities

- (a) This section regulates the following types of *recycling facilities*:
 - (1) Drop-off facilities: Drop-off facilities are bins, boxes, or other suitable containers for the donation of recyclable or reusable material.
 - (2) Reverse vending machines: Reverse vending machines are automated mechanical devices that accept empty beverage containers and issue a cash refund or redeemable credit slip with a value that is equal to or greater than the container's redemption value as determined by the State of California.
 - (3) Small collection facilities and large collection facilities: Collection facilities are centers for accepting *recyclable materials* by donation, redemption, or purchase.
 - (4) Small processing facilities and large processing facilities: Processing facilities are centers for collecting and processing recycling materials predominantly from commercial and industrial sources.
 - (5) Green materials composting facilities: Green materials composting facilities are centers that produce a humus-like material under a process of managed biological decomposition from green materials,

leaves, tree trimmings, untreated wood, shrubbery cuttings, or other plant matter that has been source-separated from the municipal solid waste stream.

- (6) Mixed organics composting facilities: Mixed organics composting facilities are centers that produce a humus-like material under a process of managed biological decomposition from green materials, leaves, tree trimmings, untreated wood, shrubbery cuttings, kelp, other plant material, manure, or urea that has been source-separated from the municipal solid waste stream.
- (7) Tire processing facilities: Tire processing facilities are centers that accept whole tires for shredding, chopping, or other size-reduction techniques, as well as pyrolyzation.
- (8) Small construction and demolition debris *recycling facilities* and large construction and demolition (C&D) debris *recycling facilities*: C&D debris *recycling facilities* are centers that process, crush, grind, or screen *recyclable construction and demolition debris*.

(b) Drop-off Facilities

Drop-off facilities are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (1) Drop-off facilities shall be set back at least 10 feet from any building or *public right-of-way* and shall not obstruct pedestrian or vehicular access.
- (2) Landscaping and off-street parking required for other uses on the *premises* shall not be eliminated to accommodate drop-off facilities.
- (3) Collection containers for 24-hour donation of material shall be placed at least 30 feet from residentially zoned property, unless there is an enclosed area for donations.
- (4) The capacity of all collection containers on the *premises* shall not exceed 192 cubic feet.
- (5) Collection containers shall be constructed of sturdy material and maintained in good condition.

(6) Collection containers shall be clearly marked to identify the type of material that may be deposited and the name and telephone number of the facility operator. A notice shall be displayed stating that material may not be left outside the containers.

(7) Facilities shall be kept free of litter.

(c) Reverse Vending Machines

Reverse vending machines are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(1) Reverse vending machines may sort and process beverage containers mechanically if the entire process is enclosed within the machines.

(2) The total area occupied by reverse vending machines shall not exceed 50 square feet per *premises*, including any protective enclosure, and shall not exceed 8 feet in height.

(3) Reverse vending machines shall be placed within 30 feet of the entrance to the commercial or industrial *structure* with which they are located. The machines shall not obstruct pedestrian or vehicular access or any activity on the *premises*.

(4) The maximum permitted *sign* area for each machine, not including operating instructions, is 2 square feet.

(5) Reverse vending machine facilities shall be illuminated to ensure safe operation if operating hours are between sunset and sunrise.

(6) *Internally illuminated signs* are not permitted. Exterior lighting used to illuminate *signs* shall be directed away from adjacent property.

(7) Reverse vending machines shall not occupy required parking spaces.

(8) Reverse vending machines shall be constructed of durable, waterproof, and rustproof material.

- (9) Reverse vending machines shall be clearly marked to identify the type of material to be deposited, the operating instructions, and the identity and telephone number of the operator or responsible person to call if the machines are inoperative.
 - (10) Operating hours shall be the same as the operating hours for the *primary use* on the *premises*.
 - (11) The site shall be kept free of litter and the machines shall be kept clean.
- (d) Small Collection Facilities
- Small collection facilities are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.
- (1) Small collection facilities located in agricultural zones shall be limited to the collection of *recyclable material* generated by agricultural activities.
 - (2) Small collection facilities may accept only *recyclable material* including glass, metal, plastic products, paper, and reusable items.
 - (3) Small collection facilities may include the following:
 - (A) A mobile recycling unit consisting of automobiles, trucks, or vans licensed by the California Department of Motor Vehicles and used for the collection of *recyclable material*, and the containers transported by these vehicles;
 - (B) Bulk reverse vending machines, or a group of reverse vending machines, occupying more than 50 square feet of floor area and designed to accept more than one container at a time and pay by weight rather than by container;
 - (C) Kiosk type units, which may include permanent *structures*; and
 - (D) Unattended containers, which may exceed a capacity of 192 cubic feet.

- (4) Power-driven processing equipment, other than bulk reverse vending machines, is not permitted.
- (5) Small collection facilities shall not exceed 500 square feet in commercial zones and 800 square feet in agricultural and industrial zones.
- (6) Facilities that are not within a fully enclosed building shall be set back at least 10 feet from any building or *public right-of-way* and shall not obstruct pedestrian or vehicular circulation.
- (7) Small collection facilities that are located in open parking lots shall occupy no more than five parking spaces, not including the spaces to be used for removal of material or exchange of containers.
- (8) No additional parking spaces are required for small collection facilities located in the established parking lot of the *primary use*.
- (9) Facilities shall not occupy parking spaces required for the *primary use* unless both of the following conditions exist:
 - (A) The facility is located in a convenience zone or a potential convenience zone as designated by the California Department of Conservation; and
 - (B) A traffic study showing that the existing parking capacity is not being fully used during the facility's hours of operation has been prepared and approved by the City Manager.
- (10) If a facility is located within parking spaces required for the *primary use*, a reduction in available parking spaces in an established parking facility may be permitted as shown in Table 141-06B.

Table 141-06B
Parking Reduction for Recycling Facilities
Within Required Parking Areas

Number of Available Parking Spaces	Maximum Reduction
0-25	0
26-35	2
36-50	3
51-100	4
101+	5

- (11) *Signs* may be provided in accordance with the following.
- (A) Recycling containers may have identification *signs* with a maximum *sign* area of 20 percent of the container area per side, not to exceed 16 square feet.
 - (B) Directional *signs*, bearing no advertising message, may be installed if necessary to facilitate traffic circulation.
 - (C) *Internally illuminated signs* are not permitted. Exterior lighting used to illuminate any *sign* shall be directed away from adjacent properties.
- (12) The installation of the facility shall not result in the elimination of any required landscaping.
- (13) All *recyclable material* shall be stored in collection containers or in vehicles used to remove *recyclable material*.
- (14) Collection containers for 24-hour donation of material shall be placed at least 30 feet from residentially zoned property, unless there is an enclosed area for donations.
- (15) Collection containers shall be clearly marked to identify the type of material that may be deposited and the name and telephone number of the facility operator. A notice shall be displayed stating that material may not be left outside the containers.

- (16) Collection containers shall be constructed of durable, waterproof, and rustproof material and shall be maintained in good condition.
- (17) Collection containers shall be covered and secured from unauthorized entry when the site is not attended.
- (18) Facilities shall be kept free of litter and shall be swept at the end of each collection day.
- (19) Attended facilities shall be in operation only during the hours of operation of the *primary use* on the *premises*. If the small collection facility is the only use on the *premises*, it shall operate only during the hours between sunrise and sunset. Facilities located within 100 feet of residentially zoned property shall operate only during the hours between 9:00 a.m. and 7:00 p.m.
- (20) A small collection facility that is inoperative for a period of 30 calendar days or more shall be removed from the site.

(e) Large Collection Facilities

Large collection facilities may be permitted with a Neighborhood Use Permit in the zones indicated with an "N" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (1) Large collection facilities located in agricultural zones shall be no more than 2 acres in size and shall be limited to the collection of *recyclable material* generated by agricultural activities.
- (2) Large collection facilities may aggregate or sort *recyclable material* collected or accepted by on-site donation, redemption, or purchase predominantly from the public in preparation for shipping to market.
- (3) Power-driven processing equipment, including equipment used for aluminum foil and can compacting, baling, plastic shredding, and other limited processing activities may be permitted if in compliance with the noise regulations in Section 142.0720.
- (4) Large collection facilities shall be located at least 150 feet from residentially zoned property unless they are within an entirely enclosed building.

- (5) Large collection facilities shall be located within a fully enclosed building or shall be enclosed by a *solid fence* or wall that is at least 6 feet high. Landscaping shall be provided on all sides of the *fence* or wall that face a *public right-of-way*. Material shall not be stored above the height of the *fence* or wall.
 - (6) *Off-street parking spaces* shall be provided for each commercial vehicle used at the facility and for six customer vehicles, or the anticipated peak customer load, whichever is higher.
 - (7) Identification and informational *signs*, without advertisements, may be installed if needed for traffic circulation, or if the facility is not visible from the *public right-of-way*.
 - (8) Collection containers provided for after-hours donation of *recyclable material* shall be located at least 50 feet from any residentially zoned property and at least 10 feet from any building.
 - (9) Collection containers shall be constructed of durable, waterproof, rustproof, and nonflammable material and shall be maintained in good condition.
 - (10) Collection containers shall be covered and secured from unauthorized entry or removal of material.
 - (11) Facilities shall be clearly marked with the name and telephone number of the facility operator and the hours of operation. A notice shall be displayed stating that material may not be left outside the containers.
 - (12) Facilities shall be kept free of litter and shall be swept at the end of each collection day.
 - (13) Facilities located within 500 feet of residentially zoned property may operate only during the hours between 7:00 a.m. and 7:00 p.m.
- (f) Small Processing Facilities and Large Processing Facilities

Small processing facilities and large processing facilities are permitted as limited uses in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations. These facilities may be permitted with a Neighborhood Use Permit in the zones indicated with an "N" or with a Conditional Use Permit decided in

accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (1) Small processing facilities may not exceed 1 acre. Large processing facilities may exceed 1 acre.
- (2) Small processing facilities are limited to baling, briquetting, compacting, grinding, shredding, and sorting of source-separated *recyclable material* and repairing of reusable material, except that the facility may not shred, compact, or bale ferrous metals other than food and beverage containers.
- (3) Air contaminants including smoke, charred paper, dust, grime, carbon, noxious acids, fumes, gases, odors, particulate matter; or emissions that endanger human health, cause damage to vegetation or property, or cause soiling, vibration or above ambient noise levels that are detectable on neighboring properties are not permitted.
- (4) Power-driven processing equipment may be permitted if in compliance with the noise regulations in Section 142.0720.
- (5) All processors shall be located at least 300 feet from residentially zoned property except that within *Recycling Market Development Zones*, processors may be located within 300 feet of a residentially zoned property if processing occurs within a fully enclosed building.
- (6) Processing operations shall take place either in a fully enclosed building (except for incidental storage) or within an area enclosed on all sides by a *solid fence* or wall that is at least 6 feet high and is landscaped on all sides that face a *public right-of-way*.
- (7) In addition to the off-street parking required by Chapter 14, Article 2, Division 5 (Parking Regulations) the following parking spaces are required if the facility is open to the public:
 - (A) At least 10 customer parking spaces, or enough parking to accommodate the anticipated peak customer load, whichever is higher; and
 - (B) One parking space for each commercial vehicle used by the processing center.

- (8) Collection containers provided for after-hours donation of *recyclable material* shall be placed at least 50 feet from any residentially zoned property and at least 10 feet from any building.
 - (9) Collection containers shall be clearly marked to identify the type of material that may be deposited. A notice shall be displayed stating that material may not be left outside the containers.
 - (10) Collection containers shall be constructed of sturdy, rustproof, and waterproof material and shall be maintained in good condition. The containers shall be covered and secured from unauthorized entry and removal of material.
 - (11) All material stored outdoors that might attract vectors shall be in sturdy containers that are covered, secured, and maintained in good condition. Baled, bulk, or pelletized material that is not easily confined or stored in containers may be stored behind walls or *fences*. Stored material shall not be visible above the *fence*.
 - (12) The facility shall be clearly marked with the name and telephone number of the facility operator and the hours of operation.
 - (13) The site shall be kept free of litter and shall be cleaned on a daily basis.
 - (14) Facilities located within 500 feet of residentially zoned property may operate only during the hours between 7:00 a.m. and 7:00 p.m. The facility shall be staffed by on-site personnel during the hours the center is open.
- (g) Green Materials Composting Facilities and Mixed Organics Composting Facilities

Green materials composting facilities and mixed organics composting facilities are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations. These facilities may be permitted with a Neighborhood Use Permit in the zones indicated with an "N" or a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations. Backyard composting and composting operations incidental to farming are not subject to Section 141.0620 if the compost is used on-site. Composting activities that process or

have 500 cubic yards or less of green material or organic material feedstock and active compost on-site are not subject to these regulations.

- (1) Composting operations shall be located at least 300 feet from residentially or commercially zoned property, except that within *Recycling Market Development Zones*, composting facilities may be located within 300 feet if the operations are within a fully enclosed building.
 - (2) Composting operations shall be within an area enclosed on all sides by *fences*. *Fences* within 50 feet of a *public right-of-way*, excluding *alleys*, shall be *solid fences*.
 - (3) The active composting material shall not exceed the allowable limits of additives and amendments as defined in the California Code of Regulation, Chapter 3.1.
 - (4) The facility shall not compost septage, sewage, sewage sludge, or mixed municipal solid wastes.
 - (5) Space shall be provided on the site for the anticipated peak customer load to circulate and deposit or load feedstock or finished compost.
 - (6) The facility shall be clearly marked with the name and telephone number of the facility operator and the hours of operation.
 - (7) The facility shall be kept free of litter.
 - (8) The facility shall be secured from unauthorized entry and removal of material when the operator is not present.
 - (9) Any permit issued by the City shall be void if the facility does not obtain other required local and state permits or does not comply with the composting facility regulations in the California Code of Regulations.
- (h) Tire processing facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (1) Tire processing operations shall be located at least 300 feet from residentially zoned property, except that within *Recycling Market Development Zones*, tire processors may be located within 300 feet of a residentially zoned property if processing occurs within a fully enclosed building.
- (2) Tire processing operations shall take place either in a fully enclosed building (except for incidental storage) or in an area enclosed on all sides by a *solid fence* or wall that is at least 6 feet high and is landscaped on all sides that face a *public right-of-way*.
- (3) Tire processing facilities shall not manufacture tire-derived recycled products.
- (4) Tire processing facilities shall be designed and constructed to provide protection to bodies of water from potential runoff of pyrolytic oil that could result from a tire fire.
- (5) The facility shall not have driveway gradients or other physical features that will interfere with fire fighting equipment or personnel.
- (6) Space shall be provided on the site for the anticipated peak customer load to circulate and deposit or load feedstock or finished products.
- (7) The facility shall be clearly marked with the name and telephone number of the facility operator and the hours of operation.
- (8) The facility shall be kept free of litter.
- (9) The facility shall be secured from unauthorized entry and removal of material when the operator is not present.
- (10) Any permit issued by the City of San Diego shall be void if the facility does not obtain other required local and state permits or does not comply with the applicable regulations in the California Code of Regulations.

- (i) Small and large construction and demolition (C&D) debris *recycling facilities* may be permitted with a Neighborhood Use Permit in the zones indicated with an "N" or a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.
 - (1) *Lot Size*
 - (A) A small C&D debris *recycling facility* may not exceed 4 acres.
 - (B) A large C&D debris *recycling facility* may exceed 4 acres.
 - (2) *Separation Distances*
 - (A) Small C&D debris *recycling facilities* shall be located at least 300 feet from residentially zoned property. Processing, grinding, crushing, and screening operations shall be set back at least 100 feet from the adjacent *property line*.
 - (B) Large C&D debris *recycling facilities* shall be located at least 500 feet from residentially zoned property. Processing, grinding, crushing, and screening operations shall be set back at least 200 feet from the adjacent *property line*.
 - (3) *Processing Capacity Limit*
 - (A) Small C&D debris *recycling facilities* shall not accept more than 400 tons of *recyclable construction and demolition debris* per day.
 - (B) Large C&D debris *recycling facilities* shall not accept more than 2,500 tons of *recyclable construction and demolition debris* per day.
 - (4) Power driven processing may be permitted if in compliance with the noise regulations in Section 142.0720.
 - (5) Facilities shall not operate between the hours of 7:00 p.m. and 7:00 a.m.

- (6) Facilities shall be enclosed on all sides by a *solid fence* that is at least 6 feet in height.
- (7) Material shall not be stockpiled higher than 15 feet. Stockpiled material shall be located at least 30 feet from the adjacent *public right-of-way*.
- (8) Space shall be provided on the site for the anticipated peak customer load to circulate and deposit or load material or finished product. A traffic study demonstrating the impact of the anticipated truck traffic on adjacent *streets* shall be submitted to the decision maker.
- (9) The facility shall be clearly marked with the name and telephone number of the facility operator and the hours of operation.
- (10) The site shall be kept free of litter.
- (11) The site shall be secured from unauthorized entry and removal of material when attendants are not present.
- (12) Any permit issued by the City of San Diego shall be void if the facility does not obtain other required local and state permits or does not comply with regulations enforced by the local enforcement agency, the Air Pollution Control District, or other applicable regulatory agencies.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§141.0621 Sidewalk Cafes

Sidewalk cafes may be permitted with a Neighborhood Use Permit in the zones indicated with an "N" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the provisions of this section.

- (a) The decision maker will evaluate the following to determine if a sidewalk cafe is a suitable use for the proposed site and will not infringe on the use of the *public right-of-way* by pedestrians:
 - (1) The width of the sidewalk;
 - (2) The design and relationship of the cafe to other existing or planned uses in the vicinity;

- (3) The amount of pedestrian use and the impact of the cafe's location on pedestrian activity; and
 - (4) The ability of the cafe to fit the character of the area, create an outdoor pedestrian plaza, intensify pedestrian activity, and make the *street* activity more attractive.
- (b) A sidewalk cafe may be located within the *public right-of-way* only in conjunction with, and adjacent to, a street-level eating or drinking establishment.
- (c) A sidewalk cafe shall be used only for dining, drinking, and circulation. The cafe may provide either waiter/waitress service or self-service.
- (d) The area of the sidewalk cafe shall be delineated by a barrier consisting of railings, *fences*, or a combination of railings and *fences*, and planter boxes that are 3 feet in height or less; solid walls are not permitted. The barrier may be either permanently installed or moveable; if it is moveable, it shall be affixed to the sidewalk while the cafe is open for business. A clear, transparent, shatterproof glass or similar material may be used on top of the 3-foot barrier to enclose the cafe to minimize windy or cold climatic conditions. The enclosure must meet the following requirements.
 - (1) The height of the sidewalk cafe barrier plus the clear enclosure shall not exceed 5 feet.
 - (2) If an enclosure is used, *awnings* shall not be used as a cafe covering.
- (e) A clear path, free of all obstructions to the flow of pedestrian traffic, shall be provided in the *public right-of-way* and shall be maintained at all times. Obstructions include traffic signals or *signs*, light standards, parking meters, phone booths, bus stops, trash receptacles, benches, trees, and similar objects. The clear path shall be a paved sidewalk that is at least 8 feet wide. The clear path shall be measured in the following manner:
 - (1) The clear path shall be measured from the outermost point of the sidewalk cafe to the curb or to the nearest obstruction within the flow of pedestrian traffic;
 - (2) Recesses in the *building facade* shall not be used to satisfy the clear path requirement; and

- (3) The decision maker may grant an exception to the minimum clear path width if pedestrian volumes and existing *street* conditions are such that no congestion would result.
- (f) The sidewalk cafe shall be designed and operated so that unsafe conditions are not created for the physically disabled, blind, or partially sighted. Gates or other objects placed within a sidewalk cafe shall not swing or project beyond the delineated perimeter of the cafe. Cantilevered projections are not permitted. A change in paving pattern and texture may be required to alert pedestrians of a change in sidewalk use.
- (g) No portion of a sidewalk cafe may be located within 8 feet of the entrance to a ground *floor* commercial use other than the entrance to the adjacent restaurant. An exception to the minimum distance between sidewalk cafes and adjacent business entrances may be granted by the decision maker after a review of existing conditions in the surrounding commercial area and on the *street* adjacent to the sidewalk cafe if the affected, adjacent property owners and first *floor* tenants give notarized, written permission for the encroachment. The decision maker's review will take into consideration the effect that the exception may have on adjoining businesses in terms of visibility and access.
- (h) *Awnings* shall be secured to the main building.
- (i) The furnishings of the interior of a sidewalk cafe shall consist solely of moveable tables, moveable chairs, and moveable umbrellas. Landscaping may be placed in moveable planters or planted in the ground inside the delineated cafe area adjacent to the barrier. Lighting fixtures may be permanently affixed to the front of the main building.
- (j) The name and type of establishment may be placed on umbrellas or on the valance of an *awning*. Other *signs* are not permitted on the sidewalk cafe.
- (k) Trash or storage areas shall not be located on or adjacent to the *public right-of-way*.
- (l) Musical instruments or sound reproduction devices shall not be operated or used within a sidewalk cafe. For purposes of enforcement of Municipal Code Section 59.5.0101 et. seq., the *property line* shall be considered the boundary of the sidewalk cafe.
- (m) Sidewalk cafes shall be free of litter at all times.

- (n) The hours of operation of a sidewalk cafe shall be limited to the hours of operation of the associated eating or drinking establishment.
- (o) Within the beach impact area of the Parking Impact Overlay Zone, sidewalk cafes shall not exceed 200 sq ft in area without providing parking. Required parking shall be provided at a ratio not less than one parking space for every additional 200 sq ft (or portion thereof) above the first 200 sq ft.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

§141.0622 Sports Arenas and Stadiums

Sports arenas and stadiums may be permitted with a Conditional Use Permit decided in accordance with Process Five in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) The design of the *structures* shall incorporate a variety of architectural elements that help to diminish building bulk.
- (b) Larger *structures*, areas of high activity, and parking areas shall be located to minimize impacts to surrounding *development* that is smaller in scale and less intense.
- (c) Access to the facility shall be as direct as possible from *freeways* and primary arterials and shall avoid residential *streets*.
- (d) Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property.
- (e) All storage, service, and repair areas shall be located on the site so that they are not visible, or shall be *screened* so that they are not visible, from adjacent *development* and *public rights-of-way*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§141.0623 Theaters That Are Outdoor or over 5,000 Square Feet in Size

Theaters that are outdoor or over 5,000 square feet in size may be permitted with a Conditional Use Permit decided in accordance with Process Four in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(5-2001)

- (a) Off-street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property. Within the beach impact area of the Parking Impact Overlay Zone, off-street parking shall be provided at a ratio not less than one parking space for every three fixed seats or one space for every 21 sq ft of gross floor area where there are no fixed seats.
- (b) Hours of operation shall be limited so that neighboring *development* is not disturbed by noise and lights.
- (c) A litter control plan shall be required to keep the facility and adjacent property free of litter.
- (d) All storage, service, and repair areas shall be located on the site so that they are not visible from adjacent *development* and *public rights-of-way*.
(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

§141.0624 Veterinary Clinics and Animal Hospitals

Veterinary clinics and hospitals may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Veterinary clinics and hospitals are not permitted in agricultural zones in the future urbanizing area, except as an accessory use within a zoological park, or within *floodplains* located in the Coastal Overlay Zone.
- (b) Noise resulting from outdoor exercise or treatment areas shall be minimized.
- (c) The facility shall be maintained in a sanitary condition to minimize impact of odors on surrounding *development*.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

§141.0625 Zoological Parks

Zoological parks may be permitted with a Conditional Use Permit decided in accordance with Process Five in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Zoological parks are not permitted within *floodplains* located in agriculturally zoned areas of the Coastal Overlay Zone.
- (b) *Structures* and parking areas shall be placed on the site so that they are either located away from *public rights-of-way* or *screened* by solid fencing or landscaping from view from *public rights-of-way*.
- (c) Off-street parking shall be sufficient to serve the facility without impacting adjacent or nearby property.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)